

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**UNITED STATES OF AMERICA,**

**PLAINTIFF,**

**v.**

**No. 11-30108-DRH**

**RICHARD J. KLEMIS,**

**Defendant.**

**ORDER**

**HERNDON, Chief Judge:**

Now before the Court is Protestant Memorial Medical Center, Inc.'s motion to quash subpoena duces tecum (Doc. 29). Specifically, Protestant Memorial Medical Center, Inc. ("Memorial Hospital") moves to quash the subpoena duces tecum seeking medical records of an individual identified in the first superseding indictment as "C.R.K." including "any and all records for the time period 2010-2011" and "related to the patient's transport by ambulance from Belleville, Illinois, Memorial Hospital Emergency Room." Memorial Hospital argues that the subpoena is overly broad with respect to 45 CFR 164.512(f) and it seeks information protected by Illinois law as set forth at 735 ILCS 5/8-802. The government opposes the motion arguing that C.R.K. gave valid consent and that HIPPA does not prevent Memorial Hospital from disclosing the sought medical records on the basis of patient privacy and federal common law failure to recognize the physician-patient privilege allows for the records to be admitted into federal

court. The Court agrees with the government's reasoning.

Here, as evidenced by C.R.K.'s patient authorization, C.R.K. gave valid consent for these records to be turned over to the government. The authorization is signed and dated by C.R.K. and contains a witness' signature. The authorization checked the "Medical Records" box and the "Any and All" box. The Court finds that C.R.K. has properly provided written consent to the release of all his medical records within Memorial Hospital's possession. Thus, the Court concludes that the subpoena is not overly broad and that HIPPA authorizes the disclosure of the requested documents. The Court finds that Memorial Hospital must turn the records over to the government.

Accordingly, the Court **DENIES** the motion to quash subpoena duces tecum (Doc. 29). The Court **DIRECTS** Memorial Hospital to comply with the subpoena and provide the government with C.R.K.'s medical records. Further, the Court **PROHIBITS** any and all parties from disclosing C.R.K.'s medical records outside the confines of this case and that C.R.K.'s records be destroyed at the end of this case.

**IT IS SO ORDERED.**

Signed this 12th day of March, 2014.

Digitally signed by  
David R. Herndon  
Date: 2014.03.12  
13:40:23 -05'00'



**Chief Judge  
United States District Court**